

Notice of Allowability

Application No.

09/458,917

Examiner

Sajous Wesner

Applicant(s)

NEWELL ET AL.

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response of 9/15/2004.
2. ☒ The allowed claim(s) is/are 1-17 and 23-29.
3. ☒ The drawings filed on 15 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

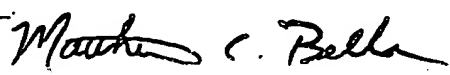
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 26
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Remark

1. This communication is responsive to the amendment and response filed on September April 15, 2004. By this communication, claims 1-17, and 23-29 are presented for examination.

Examiner's Amendments

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Feigenbaum on 1/9/2004.

The application has been amended as follows:

Please renumber claim 2 to claim 8, and at line 1 of the claim, replace 23 and 24 with ~~6~~—and ~~7~~--, respectively.

Renumber claim 3 with 9 and its dependency, at line 1, with ~~8~~--.

Please renumber claim 4 to claim 10, and at line 1 of the claim, replace 23 and 24 with ~~6~~—and ~~7~~--, respectively.

Renumber claim 5 with 2.

Please renumber claim 6 to claim 11, and at line 1 of the claim, replace 23 and 24 with ~~6~~—and ~~7~~--, respectively.

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Renumber claim 7 with 12 and its dependency, at line 1, with –10--.

Please renumber claim 8 to claim 13, and at line 1 of the claim, replace 23 and 24 with –6—and –7--, respectively.

Renumber claim 9 with 14 and its dependency, at line 1, with –9--.

Please renumber claim 10 to claim 15, and at line 1 of the claim, replace 23 and 24 with –6—and –7--, respectively.

Please renumber claim 11 to claim 16, and at line 1 of the claim, replace 23 and 24 with –6—and –7--, respectively.

Please renumber claim 12 to claim 17, and at line 1 of the claim, replace 23 and 24 with –6—and –7--, respectively.

Please renumber claim 13 to claim 18, and at line 1 of the claim, replace 23 and 24 with –6—and –7--, respectively.

Please renumber claim 14 to claim 19, and at line 1 of the claim, replace 23 and 24 with –6—and –7--, respectively.

Renumber claim 15 with 20 and its dependency, at line 1, with –16--.

Renumber claim 16 with 4.

Renumber claim 17 with 5.

Renumber claim 23 with 6.

Renumber claim 24 with 7.

Renumber claim 25 with 3.

Renumber claim 26 as 21, and at line 1, replace “16” with –4--.

Renumber claim 27 as 22, and at line 1, replace “17” with –5--.

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Renumber claim 28 as 23, and at line 1, replace "23" with -6--.

In claim 29, at line 1, replace "24" with -7--.

Allowable Subject Matter

3. Claims 1-17, and 23-29 are allowed over the prior art

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

The applicant, by amendment, has incorporated allowable subject matters into the rejected base claims. See paper # 25. As a result, claims 1-17, and 23-29 are allowed over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any response to this action should be mailed to:

Box

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

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(703) 872-9306, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 308-5359 for informal or draft communications, please label "PROPOSED"

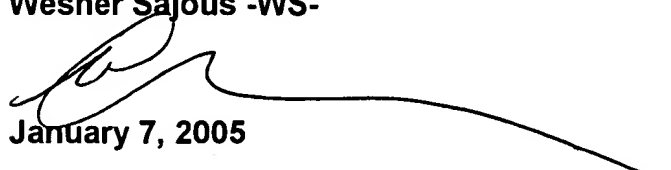
or DRAFT")

Hand-held delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, 6th floor (receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Wesner Sajous whose telephone number is (703) 308-
5857. The examiner can also be reached on Mondays thru Thursdays and on alternate
Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
Supervisor, Matthew Bella, can be reached at (703) 308-6829. The fax phone number
for this group is (703) 308-6606.

Wesner Sajous -WS-


January 7, 2005



**MATTHEW LUU
PRIMARY EXAMINER**